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Thursday July 28, 2005

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Tuesday, July 19, 2005 8:29 AM EDT

The Cecil County Planning Commission denied a rezoning request Monday night for an EPA site near Elkton where World War II-era munitions are buried.

At the same meeting, commission members approved an amendment to the water sewer master plan that paves the way for a private water company at Principio Business Park.

Both recommendations will be forwarded to the Cecil County Commissioners who will make the final decision on the requests.

Planners voted 4-1 to deny a request from developer David Meiskin to rezone 393 acres along Blue Ball Road from suburban residential to high-density residential for up to 1,500 homes.

Mark Clark was the only member to vote for Meiskin's request, saying he thought Pugh's arguments for a "mistake" were creative and the commission is sometimes "too narrow in its interpretation of what justifies a rezoning."

The property, owned by David Herron, was declared a toxic cleanup site earlier this year by the Environmental Protection Agency (EPA) that discovered buried munitions on the property.

Land consultant Michael R. Pugh argued for the rezoning on the basis of a mistake in the 1993 zoning and comprehensive plan. He cited a lack of R-M (high density residential) zoning in the development area south of I-95 and a lack of knowledge about the condition of the property when the zoning was originally set.

It is zoned suburban residential all the way to its border with property owned by ATK, where they test rocket motors.

Pugh also argued the property could qualify as meeting a "change" in the area once the EPA completes its cleanup.

Several citizens spoke in opposition to the rezoning request citing primarily traffic and health concerns.

Owen Thorne, chairman of Appleton Residential Community Association, raised the question of whether or not the developer could deliver a safe water supply, given the EPA findings.

County Commissioner Phyllis Kilby said she had a real problem with potentially putting a water system in a contaminated site.

"A citizen group has been working for the last six months on several of the contaminated sites around the Little Elk Creek," Kilby said.

Since that group's recommendations are due in September, Kilby said she thinks a decision on rezoning the property is "premature."

Pugh and Meiskin want to rezone the parcel into three categories. They want 363 acres in (RM) high density, 21.5 acres in industrial (M-2) and 8.2 acres in commercial (BG).

Meiskin wants to build a mixture of single-family homes, apartments and townhouses, clustering them and setting aside about 195 acres as open space.

The Cecil County Commissioners will hear the rezoning Aug. 9 at 2 p.m.

On the other matter, the commission voted unanimously to recommend approval of the text amendment allowing a private water system to serve Principio Business Park and Charlestown Crossing, a proposed 500-plus home community across Route 40 from the business park.

"We really need a reliable, reasonably priced water supply to attract business to our park," said Michael Vaughan, representing property owner Stewart Associates.

Jay Young, an attorney who represents the town of North East, objected to the request, saying it violates the Urban Growth Boundary agreement signed by the county and town.

"North East did not receive any notice of this meeting," Young said.

Director of Planning and Zoning Eric Sennstrom said it was advertised in the legal notices of the Cecil Whig.

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